

In re patent application of:

Hageman, et al.

Serial No.: 10/015,256

Filed: December 13, 2001

Group Art Unit: 2175

Examiner: Chojnacki, Mellissa M.

Atty. Docket No.: YOR920010721US1

For: SECURITY AND AUTHORIZATION DEVELOPMENT TOOLS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF KIMBERLY BAUMANN**

Sir:

I, Kimberly Baumann, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of Gibb I.P. Law Firm, LLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at Gibb I.P. Law Firm, LLC.
3. Based on my personal knowledge of the procedures followed by Gibb I.P. Law Firm, LLC, in the Docketing Department for handling PTO correspondence received, I conclude that the Notice of Allowance dated November 4, 2008 for Serial No. 10/015,256, referred to in our docket system by docket number YOR.5047, was never received by Gibb I.P. Law Firm, LLC.

4. An individual employed in the Docketing Department of Gibb I.P. Law Firm, LLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual, in our docket system, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, a Notice of Allowance must be answered within the response time specified therein (within three months of the mailing date) and so an entry would be made in the docket system on a due date for the required period of time for the Notice of Allowance. Attached as Exhibit A to my Declaration is the printout from Gibb I.P. Law Firm, LLC's master docket system from January 14, 2009 to February 14, 2009 which shows all items having a due date of February 4, 2009, (the three month non-extendable due date for payment of the issue fee for the alleged mailing date of the November 4, 2008 Notice of Allowance). As can be seen from Exhibit A, there is no entry for the above-identified application YOR.5047 (Serial Number 10/015,256) on our master docket printout, indicating that the Notice of Allowance dated November 4, 2008 in question was never received by Gibb I.P. Law Firm, LLC.

6. Also attached hereto is Exhibit B, the individual docket sheet for docket YOR.5047. Exhibit B demonstrates that serial number 10/015,256 corresponds to docket number YOR.5047 and that the last item received in docket YOR.5047 was the Board's Answer on October 24, 2007. This also demonstrates that no Notice of Allowance was received for docket YOR.5047.

7. Attached as Exhibit C are copies of sheets from the incoming mail log. As each item of mail is received from the PTO, it is logged in the incoming mail log. The sheets in Exhibit C are from October 31, 2008 to December 11, 2008 (5 days prior to, and a month after the November 4, 2008 mailing date). Serial Number 10/015, 256 does not appear on these sheets. This further demonstrates that the November 4, 2008 Notice of Allowance was not received by our office.

8. Based on my review of Exhibits A-C, and on my personal knowledge of the procedures followed by Gibb I.P. Law Firm, LLC in the Docketing Department, I conclude that the Notice of Allowance for Serial No. 10/015,256, docket number YOR.5047, dated November 4, 2008 was never received by Gibb I.P. Law Firm, LLC.

9. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,



Kimberly Baumann  
Manager, Docketing Department

Date: 4/30/09

Gibb I.P. Law Firm, LLC  
2568-A Riva Road Suite 304  
Annapolis, MD 21401  
410-573-1545

Subject	Location	Start	End	Recurrence Pattern	Categories
ALM.5234 RCE Final ...		Wed 1/14/2009 1...	Thu 1/15/2009 1...		
ALM.5207 PAB Filed		Wed 1/14/2009 1...	Thu 1/15/2009 1...		
BUR.5240 PMR Filed		Thu 1/15/2009 1...	Fri 1/16/2009 12...		
ALM.5293 CAH Filed		Thu 1/15/2009 1...	Fri 1/16/2009 12...		
ALM.5257 RCE Final ...		Thu 1/15/2009 1...	Fri 1/16/2009 12...		
BUR.5206 CAH Filed		Fri 1/16/2009 12...	Sat 1/17/2009 12...		
ALM.5196Appealed ...		Fri 1/16/2009 12...	Sat 1/17/2009 12...		
ALM.5167 RCE Final ...		Sat 1/17/2009 12...	Sun 1/18/2009 1...		
XER.5054 DJL Filed		Sat 1/17/2009 12...	Sun 1/18/2009 1...		
BUR.5094 RCE		Mon 1/19/2009 1...	Tue 1/20/2009 12...		
FIS.5123 CAH Filed		Tue 1/20/2009 12...	Wed 1/21/2009 1...		
ALM.5230 CAH Filed		Tue 1/20/2009 12...	Wed 1/21/2009 1...		
ALM.5233Appealed ...		Wed 1/21/2009 1...	Thu 1/22/2009 1...		
ALM.5132Appeal Bri...		Wed 1/21/2009 1...	Thu 1/22/2009 1...		
FIS.5118 PMR (2x) Fil...		Thu 1/22/2009 1...	Fri 1/23/2009 12...		
BUR.5247 PMR Filed		Thu 1/22/2009 1...	Fri 1/23/2009 12...		
XER.5022 CAH Filed		Sat 1/24/2009 12...	Sun 1/25/2009 1...		
XER.5135 FWG Filed		Tue 1/27/2009 12...	Wed 1/28/2009 1...		
BUR.5149Appealed ...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5109 RCE Final ...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5140 RCE Final ...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
BUR.5187 RCE Final F...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5066 PAB Filed		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
SVL.5000 PAB Filed		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
XER.5017 DJL Filed		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
YOR.5098 (Reopene...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5206 RCE Final ...		Thu 1/29/2009 1...	Fri 1/30/2009 12...		
YOR.5109 RCE Final ...		Thu 1/29/2009 1...	Fri 1/30/2009 12...		
ALM.5114 PAB Filed		Fri 1/30/2009 12...	Sat 1/31/2009 12...		
BUR.5237 Abandon F...		Sat 1/31/2009 12...	Sun 2/1/2009 12...		
XER.5003 Foreign Co...		Sat 1/31/2009 12...	Sun 2/1/2009 12...		
ALM.5118Appeal Bri...		Mon 2/2/2009 12...	Tue 2/3/2009 12...		
BUR.5221 CAH Filed		Fri 2/6/2009 12:0...	Sat 2/7/2009 12:0...		
YOR.5119 CAH Filed		Sat 2/7/2009 12:0...	Sun 2/8/2009 12...		
ALM.5015 Filed Repl...		Mon 2/9/2009 12...	Tue 2/10/2009 12...		
XER.5044 DJL Filed		Tue 2/10/2009 12...	Wed 2/11/2009 1...		
FIS.5170 DJL Filed		Tue 2/10/2009 12...	Wed 2/11/2009 1...		
ALM.5237Abandonde...		Tue 2/10/2009 12...	Wed 2/11/2009 1...		
ALM.5067 Allowed F...		Tue 2/10/2009 12...	Wed 2/11/2009 1...		
XER.5083 FWG E.H. F...		Tue 2/10/2009 12...	Wed 2/11/2009 1...		
ALM.5198 Filed App...		Tue 2/10/2009 12...	Wed 2/11/2009 1...		
FIS.5094 RCE Final Fil...		Thu 2/12/2009 1...	Fri 2/13/2009 12...		
XER.5042 DJL Filed		Thu 2/12/2009 1...	Fri 2/13/2009 12...		
ALM.5201 PMR Filed		Thu 2/12/2009 1...	Fri 2/13/2009 12...		
ALM.5223 PAB Filed		Fri 2/13/2009 12...	Sat 2/14/2009 12...		
XER.5013 CAH Filed		Fri 2/13/2009 12...	Sat 2/14/2009 12...		
BUR.5201 Filed CAH		Fri 2/13/2009 12...	Sat 2/14/2009 12...		
ALM.5086 RCE Final ...		Fri 2/13/2009 12...	Sat 2/14/2009 12...		
ALM.5160 Final Filed...		Fri 2/13/2009 12...	Sat 2/14/2009 12...		
ALM.5212 PMR Filed		Fri 2/13/2009 12...	Sat 2/14/2009 12...		
ALM.5205 Filed CAH		Sat 2/14/2009 12...	Sun 2/15/2009 1...		

Our Ref	YOR-5047	Response by Atty	MSR
Investors	Mary I. Hageman, Elmer M. John	Serial No	10/015,256
Client's Ref	YOR9-2001-0721-US1	Title	Security and authorization develo
Filed	12/13/2001	Counsel/Attorney	MAE
Last Item Entered in File	Board's Answer Rec'd		
Date of Last Item	10/24/2007		
Next Action	Office Action/Notice of Allowance	Next Due Date	3/25/2009
Date Docketed	10/26/2007	Docketed By	KB
Issue Date		Destroyed	
US Pat No		Divisional/Sequel	
Comments	Formals filed 2/5/02	Foreign filing Date	
Attorney	FWG/MSR		

EXHIBIT B

Date	Correspondence	Serial No.	Signature	10/11
10/3/08	Final OA	11171,932	kb	10/11
10/2/08	NOA	111269,486	kb	10/11
11/3/08	NOA	101643,644	kb	10/11
11/3/08	NOA	111550,814	kb	10/11
11/3/08	NOA	111539,233	kb	10/11
11/3/08	NOA	111306,748	kb	10/11
11/3/08	NOA	11186,748	kb	10/11
11/3/08	Non-final OA	101734,793	kb	10/11
11/3/08	Decision on Appeal	091863,921	kb	10/11
11/3/08	Final OA	111556,275	kb	10/11
11/3/08	Non-final OA	111858,147	kb	10/11
11/3/08	Advisory Action	101905,587	kb	10/11
11/5/08	NOA	111548,849	kb	10/11
11/5/08	Advisory Action	111340,203	kb	10/11
11/7/08	NOA	111359,168	kb	10/11
11/7/08	Advisory Action	111838,967	kb	10/11
11/7/08	Advisory Action	101905,478	kb	10/11
11/10/08	missing parts notice	121650,591	kb	10/11
11/10/08	Not. Abandonment	291304,594	kb	10/11
11/10/08	Not. Abandonment	111801,609	kb	10/11
11/10/08	Non-final OA	111461,793	kb	10/11
11/10/08	Non-final OA	111304,293	kb	10/11
11/10/08	Non-final OA	121656,843	kb	10/11

	Date	Correspondance	Serial No.	Signature
e	11/10/08	FOA	101138,857	kb
	11/10/08	NOA	1019716,941	kb
	11/10/08	NOA	111289,152	kb
	11/10/08	Restriction	121030,921	kb
	11/18/08	FOA	111422,468	kb
	11/18/08	FOA	101320,959	kb
	11/18/08	NFOA	111766,292	kb
	11/18/08	NFOA	111499,364	kb
	11/13/08	Restriction	111672,599	kb
>	11/13/08	Appeal docketing notice	101224,878	kb
>	11/14/08	Appeal docketing notice	101320,317	kb
>	11/14/08	Not. Corrected App. papers	121255,937	kb
b	11/14/08	Advisory Action	101862,227	kb
b	11/14/08	Advisory Action	101230,910	kb
cb	11/14/08	Examiner's Answer	101323,567	kb
cb	11/14/08	Final OA	101905,853	kb
cb	11/14/08	Non-Final OA	111266,964	kb
cb	11/14/08	Non-Final OA	111375,458	kb
kb	11/14/08	NFOA	111395,403	kb
kb	11/14/08	NFOA	111113,528	kb
kb	11/14/08	NFOA	111278,819	kb
kb	11/14/08	FOA	101930,597	kb
kb	11/14/08	NFOA	111485,599	kb
	11/14/08	FOA	101674,312	kb

Date	Correspondence	Serial No.	Signature	Date
11/14/08	Restriction	111402,682	kb	11/24
11/14/08	NFOA	111292,094	kb	11/24
11/14/08	NFOA	11/183,058	kb	11/24
11/18/08	NFOA	11175,741	kb	11/25
11/18/08	NFOA	111160,457	kb	11/25
11/18/08	FOA	111734,583	kb	11/25
11/18/08	Non-Comp. Appeal	10177,956	kb	12/11
11/18/08	NFOA	101674,306	kb	12/11
11/18/08	NOA	111164,654	kb	12/11
11/19/08	NFOA	11174,751	kb	12/11
11/19/08	FOA	111462,093	kb	12/11
11/19/08	Advisory Action	101858,300	kb	12/11
11/20/08	NOA	111286,013	kb	12/11
11/20/08	NOA	111838,939	kb	12/11
11/20/08	NOA	111623,968	kb	12/11
11/20/08	Not. Abandonment	111845,912	kb	12/11
11/20/08	Advisory Action	691895,198	kb	12/11
11/20/08	Decision on Appeal	101707,908	kb	12/11
11/24/08	FOA	111548,388	kb	12/11
11/24/08	NFOA	111618,749	kb	12/11
11/24/08	NFOA	111140,798	kb	12/11
11/24/08	FOA	121059,114	kb	12/11
		111118,538	kb	12/11

gration Date	Correspondance	Serial No.	Signature
s 11/24/08	Non- Comp. Appeal	402,5051	kb
b 11/24/08	Advisory Action	Acn. 5198	kb
b 11/25/08	FOA	101985,285	kb
b 11/25/08	NOA	111841,114	kb
b 11/25/08	NOA	1D1901,275	kb
b 10/11/08	NFOA	111079,871	kb
cb 12/1/08	Advisory Action	111119,452	kb
b 12/1/08	FOA	111008,538	kb
cb 12/1/08	FOA	101309,447	kb
b 12/1/08	NFOA	111833,500	kb
s 12/1/08	Restriction	111833,567	kb
o 12/1/08	FOA	101707,978	kb
s 12/1/08	NFOA	111236,273	kb
s 12/1/08	FOA	091887,629	kb
b 12/1/08	6 Non- Comp. Amend	111237,364	kb
s 12/1/08	NFOA	101909,107	kb
s 12/1/08	FOA	111160,703	kb
s 12/1/08	FOA	101767,973	kb
s 12/1/08	FOA	121054,545	kb
s 12/1/08	FOA	101990,549	kb
s 12/1/08	Species Reg.	111737,879	kb
s 12/1/08	Not. of Abandonment	111535,157	kb
s 12/1/08	NFOA	111427,817	kb

Date	Corrispondance	Serial #	Signature
12/14/08	Non-Comp. Amend.	101952,287	kb
12/14/08	Cert. of Correction	111538,821	kb
12/14/08	Reft. drawing incons.	111306,748	kb
12/14/08	NFOA	121132,710	kb
12/14/08	NFOA	161908,755	kb
12/14/08	312 Response	111462,508	kb
12/10/08	Not. Allowance	111869,146	kb
12/10/08	Response to Rule 312	111260,645	kb
12/10/08	Non-Comp. Amend.	111228,888	kb
12/10/08	Decision on Petition	111231,805	kb
12/10/08	NFOA	101927,776	kb
12/10/08	NFOA	111078,085	kb
12/10/08	FOA	121061,778	kb
12/10/08	NFOA	101729,814	kb
12/10/08	FOA	111349,582	kb
12/10/08	Restriction	111672,599	kb
12/10/08	Examiner's Answer	091686,641	kb
12/10/08	FOA	121061,778	kb
12/10/08	NFOA	111078,085	kb
12/11/08	Non-Comp. Amend.	111191,426	kb
12/11/08	NFOA	111866,594	kb
12/11/08	NOA	111279,6466	kb
12/11/08	NOA	101906,809	kb